IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 578 of 2002

Between:

M.Jayasree Reddy, W/o.K.Rammohan Reddy,

R/o.Ground floor, Kesar Apartments,

Street No.5, West Marredpally,

Secunderabad.

..... PETITIONER

AND

1. The Vice Chairman and Housing Commissioner,

A.P.Housing Board, Kukatpalli, Hyderabad.

2. The Executive Engineer, (Housing)

Western Division,

A.P.Housing Board, Kukatpalli,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the impugned proceedings of the respondents in Letter B4/HIG/DP/PH XV/KKP/Em/6 / EE(200) / 20011648 / dated 10.10.2001 as illegal, arbitrary, unjust, unfair and violative of principles of natural justice and Article 14 and 300-A of the Constitution of India and direct the respondents not to collect any further amount towards balance of revised tentative cost for the allotted plot of the petitioners bearing plot No.84/ HIG / Phase XV Kukatpalli, Hyderabad, R.R. District.

Counsel for the Petitioner:MR.B.KRISHNA MOHAN

Counsel for the Respondents 1and 2: MR.J.PRABHAKAR

ORDER:

Heard both sides.

At the request of the learned counsel appearing on either side, the main writ petition itself is taken up for disposal.

The petitioner, who is an allottee of a plot from the respondents herein, has filed this writ petition assailing the impugned proceedings, dated 10-10-2001, issued by the respondents, whereby a further demand has been made towards tentative revised cost of the plot.

The case of the petitioner in brief is that at the stage of initial selection for allotment of a plot by the respondents, she paid the entire amount of consideration to the respondents, as long back as in the year 1995 and that allotment was also made. While so, respondents issued impugned proceedings dated 10-10-2001, which was preceded by another notice dated 20-09-2001, demanding the tentative revised balance amount of Rs.1,13,000/-, towards plot, which according to the petitioner is wholly unjustified, apart from being violative of principles of natural justice.

Learned Standing counsel appearing on behalf of the respondents submits that the A.P. Housing Board operates on ‘no loss and no profit basis’ and as and when there is any enhancement of market value the allottees are required to pay the same,

since the land was acquired under the provisions of the Land Acquisition Act. Therefore, there is no illegality in the impugned proceedings and prays for dismissal of the Writ Petition.

On considering the submissions and also on perusal of the impugned proceedings, it is seen that the petitioner was allotted a plot long back and that the entire consideration has been paid, as demanded at that relevant point of time. However, the fact remains that the market value of the plot was enhanced in view of the reference proceedings under Section 18 of the Land Acquisition Act, for which, the liability cannot be fastened upon the respondents. The petitioner along with similar such allottees in the very same land had to make good towards the said balance amount towards enhanced market value.

In view of the same, I do not find any merit in the complaint of the petitioner and I do not find any grounds to interfere with the impugned proceedings. The wit petition is accordingly dismissed. However, the petitioner is permitted to pay the entire balance amount within a period of three months from today.

23-08-2004

Note: Furnish copy in one week.

(B/o).ts

To

1. The Vice Chairman and Housing Commissioner,

A.P.Housing Board, Kukatpalli, Hyderabad.

2. The Executive Engineer, (Housing)

Western Division,

A.P.Housing Board, Kukatpalli,

Hyderabad.

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